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PATENT
Attorney Docket No. HYB-003US1
U.S. Serial No. 09/770,602

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REMARKS

1 PRELIMINARY

Claims 16, 18 and 22 have been amended herein to delete the 7th, 8th, 9th and 10th nucleosides 3' to the CpG dinucleotide from the Markush group. Support for this amendment can be found in the claims as originally filed. No new matter has been added. Applicants acknowledge that claims 16-23 have been found to be free of the prior art.

2 OBJECTIONS

The specification is objected to under 35 U.S.C. §132 because, according to the Examiner, it introduces new matter into the disclosure. Specifically, the Examiner states that the “delineation of 3'-substituted nucleosides regarding 6th, 7th, 8th, 9th and 10th nucleosides 3' to the CpG dinucleotides has not been disclosed in the original specification or in the original claims, and these newly added limitations constitute new matter.”

This objection is overcome in part by traversal and in part by amendment. Support for the 6th nucleoside 3' to the CpG dinucleotide can be found throughout the specification, for example, at page 20, line 1, and in the claims as originally filed. Thus, the 6th nucleoside 3' to the CpG dinucleotide is supported by the specification and does not constitute new matter. In effort to further prosecution, the 7th, 8th, 9th and 10th nucleosides 3' to the CpG dinucleotide have been deleted from the specification. Reconsideration and withdrawal of the objection are respectfully requested.

3 REJECTIONS

Claims 16-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the

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As discussed above, support can be found for the 6th nucleosides 3' to the CpG dinucleotide, and that the 7th, 8th, 9th and 10th nucleosides 3' to the CpG dinucleotide have been deleted from the currently pending claims. Reconsideration and withdrawal of the rejection are respectfully requested.

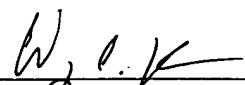
CONCLUSION

It is believed that all of the objections and rejections raised in the outstanding Office Action have been addressed, and the amendment and remarks provided herewith have resolved all out-standing issues in the prosecution of the captioned application. Applicants respectfully request allowance of the currently pending claims.

No additional fees are believed to be due in connection with this communication. However, please apply any additional charges, or credit any overpayment, to Deposit Account No. 50-2285. If the Examiner is of the opinion that a telephone conference would expedite prosecution of the captioned application, the Examiner is encouraged to contact Applicants' undersigned representative.

Respectfully submitted,

Dated: 1/6/04


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